

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT _____

FILED

2016 SEP 12 P 1:15

U.S. DISTRICT COURT
EASTERN DIST. TENN.

DEPT. OF JUSTICE

David Faulkner

(Enter above the NAME of the
plaintiff in this action.)

v.

Warden Steven Phillips

Warden Corey Hunsby

UNIT Manager Fred Tuma

(Enter above the NAME of each
defendant in this action.)

3:16-cv-549

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS
(42 U.S.C. Section 1983)

I. PREVIOUS LAWSUITS

A. Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action or otherwise relating to your imprisonment? YES (☒) NO (☐)

B. If your answer to A is YES, describe the lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline.)

1. Parties to the previous lawsuit:

Plaintiffs: David Faulkner

Defendants: Hovly Steward ET AL

2. COURT: (If federal court, name the district; if state court, name the county):
US District Court Western District of TN
3. DOCKET NUMBER: 104-02722
4. Name of Judge to whom case was assigned: Richard Todd
5. Disposition: (For example: Was the case dismissed? Was it appealed? Is it still pending?) Pending on Appeal
6. Approximate date of filing lawsuit: January 2012
7. Approximate date of disposition: Pending

II. PLACE OF PRESENT CONFINEMENT: Morgan County Correctional Complex

- A. Is there a prisoner grievance procedure in this institution? YES (☒) NO ()
- B. Did you present the facts relating to your complaint in the prisoner grievance procedure?
YES (☒) NO ()

C. If your answer is YES,

1. What steps did you take? Filed Emergency Grievance

2. What was the result? Grievance never processed
Apparently thrown away.

D. If your answer to B is NO, explain why not.

N/A

E. If there is no prison grievance procedure in the institution, did you complain to the prison authorities? YES (☒) NO ()

F. If your answer is YES,

1. What steps did you take? Wrote TDC Commissioner Pate
Warden Phillips, Warden Humby, TDC, FBI

As for the Requirement of
A Completed Grievance
Process, be Civil Action.
Plaintiff states under oath,
that he filed several
Emergency Grievances about
the incidents described in this
action, and that none have
been processed. Plaintiff states
under oath he put said
grievances in the Receptical
but none are on file. So
they must have been
discarded because of what
they alleged.

2. What was the result? No Action

III. PARTIES

(In item A below, please print your name in the first blank and place your present address in the second blank. Do the same for any additional plaintiffs.)

A. Name of plaintiff: DAVID FAULKNER # 447456
Present address: P.O. Box 2000 Warr-Burg, TN 37887
Permanent home address: 1926 Bear Creek Rd. Flowering Branch, GA 30542
Address of nearest relative: 717 Immature Way Hoober, AL

(In item B below, place the FULL NAME of the defendant in the first blank, his official position in the second blank, and his place of employment in the third blank. Use item C for the additional names, positions, and places of employment of any additional defendants.)

B. Defendant: Warden Glenn Phillips
Official position: Warden
Place of employment: Morgan County Correctional Complex

C. Additional defendants: (See Attached)

IV. STATEMENT OF CLAIM

(State here as briefly as possible the FACTS of your case. Describe how EACH defendant is involved. Include also the names of other persons involved, dates and places. DO NOT give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Use as much space as you need. Attach extra sheets, if necessary.)

Warden Phillips, Thomas
Warden Gray, Harry
Warden Jeff Nance
Unit Manager Fred James
Unit Manager Doug Garrett
Captain Byrd,
Captain Sims,
Captain Jones,
Captain Russell,
Captain King
Captain E. Bryan
Green Team officer John Doe
Green Team officer John Doe
Green Team officers John Doe
Green Team officers John Doe
Green Team officers John Doe
Sgt. Smithers,
Cpl. Byrd,
Cpl. Saunders
C/o Caldwell
C/o Sexton
C/o John Doe
C/o John Doe
Corporal Mental Health Director Jane Doe
DR. Dodd
Correctional Medical Director Jane Doe
Nurse Jane Doe
Nurse Jane Doe

Nurse Jane Doe CCO John Joe Law
Nurse Jane Doe Library
Nurse John Doe.
Nurse Jane Doe
CCO Tasha Harvey
Education Supervisor
All Employed At Morgan

County Correctional Complex in
Washburg, TN 591 Wayne Cotton
Morgan Dr. Washburg, TN 37887

①

Claim ① This civil action is about violations of my Constitutional Right to be free to access the courts, and to be free of cruel and unusual punishment.

Unit Manager Fred James, with approval of Warden Sharon Phillips and Warden Cobby Hardy in April of 2016 entered Plaintiff's cell. They removed all of Plaintiff's writing materials, ink pens and envelopes. As well as all postage stamps. Defendant James stated "If you want paper, pens or envelopes it will all be kept in my office. And you will get it as I see fit."

On numerous occasions, I requested paper, pens and envelopes and would wait sometimes 2 weeks for a reply.

Nowhere in policy of the Tennessee Dept of Corrections does it allow a staff member to hold an inmate's writing materials and take them out as they see fit.

Knowledge No Other Inmate in TDOC is subjected to this practice only the Plaintiff. This practice continues to this day as of filing of this action.

Claim 2 On August 7th 2014 Plaintiff left his cell #13 of Unit 1 Protective Custody of the Morgan County Correctional complex for Emergency sick call. I entered my cell, my door was locked. Approximately 10 minutes later, Sgt. Smithers, the Williams, CPL Byrd and A unidentified officer entered my cell. I was stripped of my pants and underwear. I was then forcibly raped anally by Sgt. Smithers and the Williams. As the other 2 Defendants stood look out.

I Reported this Incident to the Prison Rape Intervention Authority (P.R.I.A.). Nothing was done.

SA A nurse and reported my Rape. A an camera examination was conducted. I requested that A DNA sample be preserved, I was told Dr. Hogg said not to take A DNA sample. I was placed back into my cell where I immediately filed an emergency grievance and wrote to my family. I also wrote to Warden Phillips, Warden Hamby, TDOC Commissioner Parker, Internal Affairs, FBI and TBI.

In retaliation, on 8-10-16 ~~Warden~~ Defendant James approached my cell with Sgt. Christ. CCB Uesthe, Ill Newberry and 5 members of the "Green Team" who as of this filing have not been identified. James stated "we are removing your property, you are on striped cell." Then stated that I was suicidal, I was taken to the suicide precaution tank.

6

On 7-10-16, I was released
from suicide precautions.
I was taken BACK to my cell
in Unit 1 #13. I was held
under threat of force and told
to remove my clothing, all of
it. I was told I was being
placed in a stripped cell.
I was left in my cell,
NAKED, not even a paper
gown, no mattress, no sheets,
blankets, nothing. I spent
August 10th to August 22nd in
this way. I was forced to
sleep naked on a cold steel
bed, I was given empty
food trays nearly every meal.
I had chest pains, was
not seen, I threatened
suicide but was told by
Capt. Byrd, that I did not
have the guts to kill myself.

Over _____ days I was naked +
in that cell. Duty officer
Garrett had a chance to intervene,

(5)

That torture, yet none did.
I was treated worse
That a terror suspect after
9/11, which has been
Deemed torture.

For these Civil Rights
Violation I File These
Actions.

Numerous Medical Staff,
and mental health staff
Whom I cannot identify
until the discovery process.
Wished to perform their job
and intervene after seeing
me marked on cold steel,
some actively participated,
Names and defense will be
identified in the discovery
process.

Law Library staff is denying
Plaintiff access to legal materials
out of retaliation.

V. RELIEF

(State BRIEFLY exactly what you want this Court to do for you. Make NO legal arguments.
Cite NO cases or statutes.)

\$ 50,000.00 in Punitive Damages.

\$ 1,000,000.00 in Actual Damages.

Against each Defendant.

SIGNED THIS 23rd DAY OF August, 2016.


SIGNATURE OF PLAINTIFF

David C. Faulkner
#447432
Box 200
WetBurg. TN
37887

INSPECTED

SEP 12 2016

RECEIVED

Clerk, U. S. District Court
Eastern District of Tennessee
At Knoxville

Outgoing
SEP 09 2016
MCCX
Privileged

Legal

MAI

Clerk of United
States District Court
Eastern District of Tennessee
800 Market St.
S.D. 130



ZIP 37887
041L11241240

neopost
09/09/2016
US POSTAGE
\$10.00⁰⁰
PRIORITY MAIL